

Notice of Allowability

Application No.

09/944,261

Examiner

Randall Winston

Applicant(s)

PUSHPANGADAN ET AL.

Art Unit

1654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 02/25/2004.
2. ☒ The allowed claim(s) is/are 52-61.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 0304.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of issue of fee.

Authorization for this amendment was given in a telephone interview with Bruce Monroe on March 12, 2004.

IN THE CLAIMS

Claims 4, 6-9, 16-20 and 50-51 have been canceled. Applicant reserves the right to file one or more divisional applications regarding the subject matter of the canceled claims.

Claims 1-3, 5, 10-14 and 49 have been canceled and rewritten to be new claims 52-61.

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52. A herbal health promotive formulation to improve the general health of women or pregnant women said formulation comprising:

80-90% by wt of a formulation comprising seeds or a seed product, in which said seeds or said seed product is a legume.

10-20% by wt of a formulation comprising an extract, said extract obtained from herbs or medicinal plants of the genera *Centella*, *Chlorophytum*, *Boerhaavia*, and *Sida*;

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optionally one or more extracts of a herb or a medicinal plant selected from the group consisting of *Withania somnifera*, *Pueraria tuberosa*, *Asparagus racemosus*, and *Saraca indica*;

optionally milk powder;

optionally jaggery;

optionally coca powder;

optionally sugar powder; and

optionally one or more further additives selected from the group consisting of extracts of *Piper*, extracts of *Elettaria*, and extracts of *Myristica*.

53. A herbal formulation as claimed in claim 52, wherein seeds or seed products are selected from dried seeds, roasted seeds and powdered seeds.

54. A herbal formulation as claimed in claim 52, wherein the legume is *Glycine max*.

55. A herbal formulation as claimed in claim 52, wherein the total amount of legume used in the formulation is in the range from 55-60% by wt of the formulation.

56. A herbal formulation as claimed in claim 52, wherein said herbs or medicinal plants are selected from roots, fruits, bark, and whole plants.

57. A herbal formulation as claimed in claim 52, wherein the total amount of herbs or medicinal plants is X, wherein X ranges between 10-20% by wt of the formulation.

58. A herbal formulation as claimed in claim 57, wherein X comprises 10-40% by wt of *Centella asiatica*, 2-20% by wt of *Chlorophytum tuberosum*, 5-30% by wt of *Boerhaavia diffusa*, and 10-20% by wt of *Sida cordifolia*.

59. A herbal formulation as claimed in claim 58, wherein X comprises 16-32% by wt of *Centella asiatica*, 4-16% by wt of *Chlorophytum tuberosum*, 5-24% by wt of *Boerhaavia diffusa*, and 12-16% by wt of *Sida cordifolia*.
60. A herbal formulation as claimed in claim 57, comprising 0-16% by wt of *Withania somnifera*, 0-24% by wt of *Pueraria tuberosa*, 0-24% by wt of *Asparagus racemosus*, and 0-12% by wt of *Saraca indica*.
61. A herbal formulation as claimed in claim 52, wherein said seeds or said seed product is *Glycine max*.

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Claims 52-61 are allowable.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randall Winston whose telephone number is 571-272-0972. The examiner can normally be reached on 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brenda Brumback can be reached on 571-272-0961. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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